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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,848	12/20/2000	Gregory Gardner	1980P	8115

7590 01/11/2005

SAWYER LAW GROUP LLP  
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EXAMINER
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FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/742,848

Applicant(s)

GARDNER ET AL.

Examiner

Daniel S Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 and 18-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandler et al (US 6,785,661) in view of Walker et al (US 5,794,207)

#### **Re claims 1 and 16, 18 and 19:**

Mandler discloses, a computer (31, 41) with a for a supply-based management system in network environment (see figs. 1A, B, col. 5, ll. 55+) comprising:

- a plurality of business processes (see Abstract), comprising;
  - a request-for-quotation process (fig. 4A-1, col. 13, ll. 45-47)),
  - a quotation process (fig. 4A-1; S16, S17), and
  - a purchase order (PO) process (see Mandler, fig. 4A-; and
- a notification manager (see NOS by clearing house, col. 8, ll. 1-18).

Mandler fails to disclose an entity bean. Entity Beans are notoriously old and well known in the network art to allow interactive data represented within a database to carry out specific business processes related to the represented data. Since Mandler discloses a using RPQ and PO related data to complete a business procurement/transaction process (see Abstract), it would be obvious for an artisan of ordinary skill at the time of the invention was made to use the latest network data processing technology to increase the efficiency and productivity of the system. Thus such a modification would be an obvious expedient well within the ordinary skill in the art.

Mandler discloses that computers are used to control the process, but fails to disclose a server and/or router per se. Servers can act as functional equivalents to routers wherein a server may be used in LANs to link other computers (i.e. clients) to itself or to each other. Walker discloses a server with a for a supply-based management system in network environment (see Walker, col. 12, ll. 8+; and col. 27, ll. 19+). Since Mandler discloses that an embodiment wherein buyers and sellers are able to transact over a network (i.e. the Internet) (see Mandler, col. 5, ll. 62+), it would have been obvious for an artisan of ordinary skill in the art to modify Mandler to include the server and/or router disclosed in Walker to complete various negotiation/transactional processes related to on-line procurement of goods and services. Thus such a modification would have been an obvious expedient to one of ordinary skill in the art.

**Re claims 2:**

Mandler discloses that RFQ process comprises the steps of: (a) creating an RFQ by a buyer (see col. 4, ll. 10); (b) selecting a list of suppliers by the buyer (see col. 7, ll. 42+); and sending the RFQ to the selected suppliers (see col. 7, ll. 38+).

**Re claim 3:**

Mandler discloses wherein a quotation process implemented by the quotation entity bean comprises the steps of:

- (a) reviewing a RFQ from a buyer by a supplier (see col. 7, ll. 38+), and
- (b) responding to the RFQ by the supplier (see col. 7, ll. 38+).

**Re claims 4-7, 11-14, 20-26 and 30-33:**

In a conventional procurement negotiation process between buyers and suppliers/vendors/sellers; to provide, acknowledge, accept, change, ignore and/or decline written RFQs, quotes and/or POs is a conventional part of negotiation practice between two or more parties to discover mutually agreeable terms. Another form of negotiation is called, "haggling", wherein the aforementioned negotiation nuances are mostly verbal. Mandler discloses a bi-directional on-line

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negotiation process between buyers and sellers (see col. 7, ll. 56+). It would have been obvious for an artisan at the time of the invention of Mandler to recognize the aforementioned conventional nuances of procurement negotiation process and have used them to provide greater satisfaction of terms between the buyer and seller. Thus such a modification would have been an obvious expedient well within the ordinary skill in the art.

**Re claims 9 and 27:**

Mandler discloses an on-line bi-directional negotiation process (see Mandler col. 7, ll. 56+), but fails to disclose (b2) providing a counter quote to the supplier by the buyer per se. Walker discloses a bi-directional negotiation process wherein counter quotes/offers are made buy both the buyer and seller (see Walker, col. 15, ll. 30-43). It would have been obvious for an artisan of ordinary skill at the time of the invention of Mandler to integrate into the bi-directional online process the ability to make counteroffers/quotes because one of ordinary skill in the art would recognize the fact that such a feature would allow both parties to "discover" mutually agreeable terms. Thus such a modification would provide greater satisfaction between the buyer and seller, as well as the completion of a greater number of transactions. Thus such a modification would be an obvious expedient well within the ordinary skill in the art.

**Re claims 10 and 28:**

wherein a PO process implemented by the PO entity comprises the steps of:

- (a) creating a PO by the buyer (see col. 7, ll. 42+); and
- (b) responding to the PO by the supplier (see col. 7, ll. 42+).

**Re claims 15 and 33:**

Mandler discloses wherein the notification manager manages transmissions of messages from a sender to a recipient (see claims 1 and 16).

**Re claims 34-46:**

Mandler discloses all the limitations cited within the claims, but fails to disclose a computer readable medium. Walker discloses a computer readable medium (see col. 15, ll. 17+). It is conventional to use computer readable mediums to store various forms of information to be used by a computer system. Therefore it would have been obvious for Walker to use a computer readable medium to store various information/instructions that can be used by the central control to conduct procurement negotiations and other processes. Such a modification would have been an obvious expedient well within the ordinary skill of the art.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mandler et al (US 6,785,661) as modified by Walker et al (US 5,794,207) as applied to claim 1 above, and further in view of Burke et al (US 6,789,252).

Mandler as modified by Walker fail to teach the user interface comprises a plurality of Java server pages. Burke discloses this feature (see Burke col. 30, ll. 50+; col. 32, ll. 11+). Since Mandler and Walker disclose online systems on the Internet, It would have been obvious for a artisan at the time of the invention to use the latest web-page technology to carry out the invention because such a modification would provide faster and more streamline and seamless interface between buyers and sellers. Thus such a modification would be an obvious expedient well within the ordinary skill in the art.



### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:

Aycock et al (US 5,765,138) discloses an apparatus and method for providing interactive evaluation of potential vendors

Edwards et al (US 6,834,312) discloses a method and apparatus for delivery of data over a network

Kraft et al (US 6,832,239) discloses systems for managing network resources

Apte et al (US 6,269,373) discloses method and system for persisting beans as container managed fields.

Fraser et al (US 5,329,589) discloses mediation of transactions by a communication system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF  
January 5, 2005

Daniel S Felten  
Examiner  
Art Unit 3624

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3500

